hour, from the time he was 500 yards away, saw several persons walking on the track in the same direction that the train was going, and gave no warning, though none of them gave evidence of consciousness of train's approach, is sufficient to go to jury under the last chance doctrine.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 575.]

7. Railroads (§ 390*)—Duty under Last Clear Chance Doctrine to Licensee on Track Is to Discover Peril and Avoid Injury.—Duty of engineer under the last clear chance doctrine is to use ordinary care to discover the peril of licensee on track, and, having discovered it, to use like care to avoid injuring him, and omission of either is actionable.

Sims, J., dissenting in part.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 575.]

Error to Circuit Court, Pittsylvania County.

Action by Lena W. Gunter's administrator against the Southern Railway Company. Judgment for defendant, and plaintiff brings error. Reversed.

Harry Wooding, Jr., of Danville, and *J. R. Joyce* and *P. W. Glidewell,* both of Reidsville, N. C., for plaintiff in error.

R. B. Tunstall, of Norfolk, and *Withers, Brown & Leigh,* of Danville, for defendant in error.

HUNT *v.* COMMONWEALTH.

Jan. 22, 1920.

[101 S. E. 896.]

1. Indictment and Information (§ 125 (31)*)—Count Charging Various Offenses against Liquor Laws Is Good.—A count charging that defendant did unlawfully "manufacture, transport, sell, keep, store and expose for sale, give away, dispense, solicit, advertise, and receive orders for ardent spirits," is good.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 30.]

2. Intoxicating Liquors (§ 210*)—Count for Bringing Liquor into State Is Good Where It Does Not Charge Transportation in Interstate Commerce.—A count charging that defendant unlawfully brought ardent spirits into the state from a point without the state was good, where it did not charge that they were transported in interstate commerce.

3. Witnesses (§ 277 (2)*)—Question Whether Accused Would Swear to Anything Need Not Be Stricken.—Where there was testimony tending to show the intimate friendship and association ex-

---

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

isting between a witness and accused, and that he had perjured himself as to one matter about which he testified, it was not error to refuse to strike out the question on cross-examination, "You will swear to anything in this case, will you not?"

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 958, 959.]

4. Witnesses (§ 338*)—May Be Required to Answer Relevant Questions However Disgraceful or Discreditable.—While a witness cannot be impeached by questions regarding his personal conduct not relevant to the case on trial, but only by evidence of his bad general reputation for truth and veracity, he must answer relevant or material questions, however much they disgrace or discredit his character.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 958, 959.]

5. Criminal Law (§ 762 (3)*)—Instruction on Accomplice's Testimony Properly Refused Where Jury Might Understand It to Be an Expression of Opinion.—Where the court told the jury that the evidence of an accomplice must be received and acted upon with caution, and that two or more accomplices could not corroborate each other, a further instruction that the source of such evidence was tainted, and the danger of collusion and temptation to exculpate themselves was so strong as to require a warning against the danger of convicting upon their uncorroborated testimony, was properly refused, as the jury might have understood that the court thought the testimony tainted and uncorroborated.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 77.]

6. Intoxicating Liquors (§ 138*)—Federal Statute Not Applicable Where Purpose of Transportation of Liquor Does Not Appear.—Act Cong. March 3, 1917, § 5 (U. S. Comp. St. 1918, U. S. Comp. St. Ann. Supp. 1919, § 8739a), punishing any person causing intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, or mechanical purposes, into states prohibiting its manufacture or sale, was inapplicable, where there was neither allegation nor proof that the transportation was not for one of the excepted purposes.

Error to Corporation Court of Norfolk.

Arthur L. Hunt was convicted of an offense, and he brings error. Affirmed.

Daniel Coleman, of Norfolk, for plaintiff in error.

The Attorney General, for the Commonwealth.

---

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.